
STATUTORY INSTRUMENTS

1975 No. 1763

The Noise Insulation Regulations 1975

Reconsideration of buildings

13.—(1) Where there is a highway to which Regulation 3 applies and no offer under Regulation 8(2) has been made in relation to an eligible building any of the persons specified in paragraph (2) of this Regulation who claims that a duty under Regulation 3 has arisen with respect to the building may apply in writing to the appropriate highway authority, setting out the facts on which he relies, and may request the authority to make him an offer in accordance with the provisions of Regulation 8.

(2) An application under paragraph (1) of this Regulation may be made by—

- (a) the person who is the occupier of, or if the building is unoccupied, is entitled to occupy, the building, or
- (b) the immediate landlord or licensor of that person, if any.

(3) Any application under paragraph (1) of this Regulation must be made within six months after either—

- (a) the date of depositing for public inspection under Regulation 6(3) of the map or list, or both, prepared under Regulation 6(2), or
- (b) the date six months after whichever is the later of the commencement date and the relevant date.

(4) Upon receipt of an application under this Regulation the appropriate highway authority shall review such calculations as have been made in relation to the building in accordance with Regulation 6, or shall make such calculations, and if they find that a duty under Regulation 3 has arisen with respect to the building they shall comply with the request but otherwise, subject to the provisions of paragraph 3(2) of Schedule 2, they shall refuse it.

(5) If they refuse the request, the authority shall furnish to the applicant a written statement of the reasons for their refusal.

(6) On the commencement of each period within which applications under paragraph (1) of this Regulation may be made the appropriate highway authority shall publish once in a local newspaper circulating in the area of the highway a notice setting out particulars of the right to make an application under that paragraph, including particulars of the time within which, and the authority to whom, such an application must be made.